

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NORTH CENTRAL STATES REGIONAL COUNCIL
OF CARPENTERS' BENEFIT FUNDS and
JEFFY SHAE (in his capacity as Trustee),

Plaintiffs,

ORDER FOR CONTEMPT

v.

16-cv-157-wmc

JAMES D. UHDE d/b/a J&J CONSTRUCTION,

Defendant.

On September 21, 2016, at 9:00 a.m., this court held a hearing on its September 6th why defendant James D. Uhde d/b/a J&J Construction “should not be adjudged in and punished for contempt for willfully disobeying this court’s injunctive order to submit to an audit of the company’s books and records by the plaintiff funds’ designated auditor covering the period February 28, 2015, through the present.” Plaintiff appeared in person by its counsel Christopher Ahrens of Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C. Defendant again failed to appear, although Uhde did return a hand written note the week before, claiming to have no employees or records.

During the hearing itself, the court left a voicemail message for Mr. Uhde that advised his contempt of this court’s order by failing to appear or cooperate fully with plaintiff’s audit will likely result in his arrest and transport to this district by the U.S. Marshal. Mr. Uhde called back to the court during the afternoon, acknowledging his need to cooperate, while again emphasizing that he and his sole co-worker are both self-employed, as well as his lack of any meaningful assets. Going forward, Uhde also

committed to cooperating fully with the auditor, including giving access to what records he does have, and he acknowledged his understanding that his failure to cooperate fully would likely lead to his arrest.

Consistent with the order below, should Mr. Uhde cooperate fully with the ordered audit within the next 30 days, the court will not issue an arrest warrant. Regardless, the court will hold a telephonic status conference with the parties in 30 days to assure compliance or issue a formal arrest warrant.

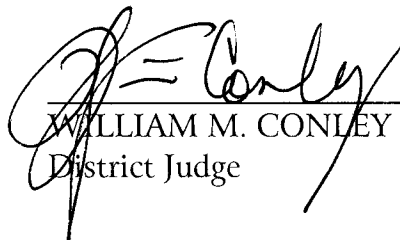
Upon the files, records and proceedings in the above-entitled action, IT IS ORDERED that:

1. Defendant James D. Uhde, d/b/a J&J Construction, be and hereby is held in contempt for: (a) violating this court's June 29, 2016, Order, requiring him to submit to an audit of the company's books and records for the period February 28, 2015, through the present; and (b) refusing to adhere to this court's September 6, 2016, Order to appear in person for the September 21st "show cause" hearing.
2. Defendant shall purge his contempt by submitting to a full audit of his company's books and records for the period February 28, 2015, through the present.
3. Within the next 30 days, defendant shall cooperate fully with the Fund's designated representatives in determining in advance which company records will be needed to be produced in order to complete the audit for the period February 28, 2015, through the present.

4. If the designated responsible party for the above-referenced defendant, James D. Uhde, does not purge the contempt within 30 days of service of this Order, the court will issue an Order to the United States Marshals Service to apprehend the designated party for his failure to appear and bring him before this court.
5. A telephonic hearing will be held on October 21, 2016, at 3:30 p.m. to confirm defendant's compliance or direct entry of an arrest order. Defendant **must** participate in his call by providing a phone number by which he can be reached without fail at that time and by following the reasonable directions provided by plaintiff's counsel. Plaintiff's counsel shall be responsible for initiating the call to this court.

Entered this 23rd day of September, 2016.

BY THE COURT:



WILLIAM M. CONLEY
District Judge